

NELSON P. COHEN
United States Attorney
Room C-253, Federal Building and
United States Courthouse
222 West Seventh Avenue, #9
Anchorage, Alaska 99513-7567
Telephone: (907) 271-5071

GOUD P. MARAGANI
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044-0683
Telephone: (202) 307-6513

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
Plaintiff,) Civil No. CV A02-0054 JKS
v.)
THOMAS R. MUNGLE and MARLENE C) MOTION TO AMEND THE ORDER OF
MUNGLE; DOWN RIGGER CORP) FORECLOSURE AND DECREE OF SALE
SIERRA VIEW HOLDING, INC.;)
ROBERT and JOAN DIDIER;)
INVERSIONES QUIZARRA, S.A.;)
DAVID ALLISON; and)
HOWARD JAEGER,)
Defendants.)

The United States of America, by and through its undersigned counsel, requests that the Court amend the Order of Foreclosure and Decree of Sale dated February 13, 2007. With this Motion, the United States also submits a proposed order.

MOTION

On December 26, 2006, the Court entered judgment in the amount of \$372,941.73 in favor of the United States and against Thomas R. Mungle and Marlene C. Mungle. Docket Entry No. 134. On February 13, 2007, the Court entered an Order of Foreclosure and Decree of Sale. Docket Entry No. 138. The Order provided that the proceeds of the sale should be paid to the Internal Revenue Service. Id. The Internal Revenue Service and the United States Department of Justice do not have the ability to disburse funds to other parties, who have a legitimate claim to a portion of the funds, in a timely and efficient manner. In order to ensure the timely and efficient distribution of funds to all parties who are entitled to a portion of the funds, the United States requests that the Court enter a new order allowing the deposit of the sale proceeds into the registry of this Court for distribution by the Clerk in accordance with an order of this Court.

WHEREFORE, the United States requests that the Court amend the Order of Foreclosure and Decree of Sale to allow the proceeds of the sale to be deposited in the Court's registry and distributed by the Clerk of this Court in accordance with an Order of this Court.

Dated this 15th day of August, 2007.

Respectfully submitted,

NELSON P. COHEN
United States Attorney

/s/ Goud P. Maragani
GOUD P. MARAGANI
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 683
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6513

CERTIFICATE OF SERVICE

I declare under penalty of perjury that a true and correct copy of the MOTION TO AMEND ORDER OF FORECLOSURE AND DECREE OF SALE and [PROPOSED] AMENDED ORDER OF FORECLOSURE AND DECREE OF SALE were sent to the following parties on August 15, 2007:

David Grossman
Reese, Baffney, Schrag & Frol, P.S.
216 So. Palouse St
Walla Walla, Washington 99362
Attorney for Thomas and Marlene Mungle

Robert & Joan Didier
5331 Shaune Dr.
Juneau, Alaska 99801

William L. Choquette
Choquette & Farleigh
629 L St., Suite 101
Anchorage, AK 99501
Attorney for Thomas and Marlene Mungle

Fred Baxter
Baxter Bruce & Sullivan P.C.
PO Box 32819
Juneau, AK 99803
Attorney for David Allison and Howard Jaeger

/s/ Goud P. Maragani